

REMARKS**I. Status of the Application:**

Claims 1-43 are currently pending.

By this Amendment, claims 1, 14, 25-27, 37, 42 and 43 have been amended, and new claims 44-51 have been added. No new matter has been introduced by this Amendment. Entry of this amendment before examination on the merits is respectfully requested.

Upon entry of this Amendment, claims 1-51 would be pending.

II. Rejections Under 35 U.S.C. §103:

Claims 1-2, 4, 8-10, 13-15, 17, 19, 21, 24-29, 31, 32-38 and 40-43 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Wynbeek (US 2003/0032422) in view of Yoshii et al. (US 6,993,343). Claims 3, 16 and 30 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Wynbeek in view of Yoshii et al. as applied to claims 14 and 15, and further in view of Grilli et al. (US 2005/0193309). Claim 5 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Wynbeek in view of Yoshii et al. as applied to claim 1, and further in view of Batra et al. (US 2005/0078598). Claim 6 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Wynbeek in view of Yoshii et al. further in view of Batra et al. and further in view of Choi (US 2004/0219897). Claims 7, 12, 18 and 23 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Wynbeek in view of Yoshii et al. as applied to claim 14, and further in view of Hochmair et al. (US 2005/0283207). Claims 11, 22 and 39 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Wynbeek in view of Yoshii et al. as applied to claim 14, and further in view of Kotzin (US 2004/0204076).

Claim 1, as amended, is directed to a method which involves providing a first wireless communications link and a second wireless communications link. The first wireless

communications link for communicating payload data is a UWB transmission link, and the second wireless communications link is a different type of wireless communications link for communicating error control data for the UWB transmission link without communicating payload data.

On the contrary, Wynbeek is directed to a power saving scheme for wireless communications between a base station and a mobile terminal using asynchronous links that provide optimal power savings. As acknowledged by the Examiner, Wynbeek is silent as to the use of either one of the two communication links for providing error control data for the other communication link. The Examiner, however, continues to allege that Yoshii remedies the deficiencies in the Wynbeek teachings. The Applicants respectfully disagree.

First, one of ordinary skill in the art would not be motivated to combine the references in the manner suggested by the Examiner. Specifically, in Wynbeek, the mobile terminal and the base station use the first link to communicate ALL data from the base station to the mobile terminal and the second link to communicate ALL data from the mobile terminal to the base station. Thus, according to Wynbeek, one of ordinary skill in the art would not be motivated to provide or to modify the Wynbeek system in order to provide a system where payload data would be transmitted through a first link while a second link would operate as a control channel for the first link and providing error control data for the first link. Such an arrangement would be contrary to the power saving scheme of Wynbeek.

Second, the Examiner's reply on pages 12-13 does not adequately address how Yoshii allegedly teaches the first and second link as claimed, and is inconsistent and unclear as to how Yoshii teaches such links. For example, the Examiner first alleges that "Yoshii does teach a first communications link being a transmitter . . . a second communications link being a

receiver on the base station.” See Office Action, p. 12. As would be understood by one of ordinary skill in the art, a wireless communications link is not a device, e.g., a transmitter or receiver. Further, the Examiner then alleges that “both references teach a communication device that is capable of transmitting and receiving communications links.” See Office Action, p. 13. It is unclear how links themselves can be transmitted or received. In other words, information (e.g., data, etc.) is transmitted or received across a communications link between for example two parties. Further, this additional assertion on page 13 of the Office Action contradicts the Examiner’s initial assertion that the links are devices, e.g., transmitter or receiver. Accordingly, the Office Action does not address the rejection or the Applicants’ reply with reasonable particularity and has not established a prima facie case of obviousness.

Finally, particularly in view of the above, Yoshii simply discloses a general level indication that ARQ can be performed as one example of error control data in wireless systems without providing any kind of teaching or suggestion of one wireless communications link to transmit payload and another wireless communications link to receive control data, such as error control data, but not payload data. The Examiner also has not provided any proper motivational basis for combining or modifying the references in the suggested manner to read on the claims.

Accordingly, claim 1 and its dependent claims are patentably distinguishable over the cited references, individually or in combination. For similar reasons, claims 14 and 25-27 and their dependent claims are also believed to be patentably distinguishable over the cited references, individually or in combination.

CONCLUSION

Based on the foregoing amendments and remarks, the Applicants respectfully request reconsideration and withdrawal of the rejection of claims and allowance of this application.

AUTHORIZATION

The Commissioner is hereby authorized to charge any additional fees which may be required for consideration of this Amendment to Deposit Account No. 13-4500, Order No. 4208-4153.

In the event that an extension of time is required, or which may be required in addition to that requested in a petition for an extension of time, the Commissioner is requested to grant a petition for that extension of time which is required to make this response timely and is hereby authorized to charge any fee for such an extension of time or credit any overpayment for an extension of time to Deposit Account No. 13-4500, Order No. 4208-4153.

Respectfully submitted,
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Dated: November 22, 2002

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